

Message Text

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ORIGIN SCS-05

INFO OCT-01 ISO-00 SCA-01 L-03 DEAE-00 SNM-02 AF-10
ARA-14 EA-09 EUR-12 NEA-10 SIG-02 /069 R

DRAFTED BY SCA:SCS:FESTEVENS:JFM

APPROVED BY SCA:BMWATSON

SCS:AAGISE

S/NM:MFALCO

L/M:HFSHAMWELL (DRAFT)

L/SCA:REDALTON .

DEA:DMINGIONE

L/SFP:LGFIELDS,JR

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P 162020Z AUG 77

FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS PRIORITY

UNCLAS STATE 194251

INFORM CONSULS

E.O. 11652: N/A

TAGS: CARR

SUBJECT: ARRESTEE AND PRISONER SERVICES: DEPORTATION OF
PETTY NARCOTICS OFFENDERS

1. SOME COUNTRIES HAVE HELD "SMALL-TIME" NARCOTICS OFFENDERS FOR INORDINATE PERIODS WHILE INVESTIGATIVE AND JUDICIAL PROCESSES WERE IN PROGRESS. MANY SUCH OFFENDERS ARE AMERICAN CITIZENS, AND THEIR EXCESSIVE PRE-SENTENCE DETENTION, AND IN SOME CASES THE SEVERE SENTENCES EVENTUALLY RENDERED HAVE TENDED TO ERODE SUPPORT FOR THE DRUG INTERDICTION PROGRAM IN CONGRESS AND AMONG THE AMERICAN PUBLIC.

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2. ALTHOUGH THE UNITED STATES GOVERNMENT CANNOT DICTATE OTHER COUNTRIES' LAW ENFORCEMENT AND JUDICIAL PRACTICES NOR SEEK DISCRIMINATORY PREFERENTIAL TREATMENT FOR AMERICAN OFFENDERS, OUR MISSIONS AND CONSTITUENT POSTS CAN QUITE PROPERLY URGE DEPORTATION OR EXPULSION OF PETTY OFFENDERS, WHERE LEGALLY POSSIBLE, AND WHERE NOT IN CONFLICT WITH THE WISHES OF THE ALLEGED VIOLATOR IN ORDER TO AVOID AN APPAR-

ENT INJUSTICE AS WELL AS DAMAGE TO THE VITAL OBJECTIVES OF THE DRUG INTERDICTION PROGRAM.

3. ALL POSTS ARE REQUESTED TO FAMILIARIZE THEMSELVES WITH HOST-GOVERNMENT LAWS AND CUSTOMARY PRACTICES IN REGARD TO DEPORTATION OR EXPULSION OF ALIEN PETTY OFFENDERS AND TO

ASSURE THAT HOST-GOVERNMENT AUTHORITIES DO NOT ACT UNDER ANY MISAPPREHENSION THAT THE UNITED STATES GOVERNMENT WANTS THEM TO "THROW THE BOOK" AT NARCOTICS USERS FOUND IN POSSESSION OF SMALL QUANTITIES OF ILLEGAL SUBSTANCES FOR PERSONAL USE. WHERE LEGALLY APPROPRIATE, HOST-COUNTRY AUTHORITIES SHOULD BE URGED TO CONSIDER DEPORTATION OR EXPULSION OF SUCH OFFENDERS IN PREFERENCE TO COUNTER-PRODUCTIVE PROSECUTION AND IMPRISONMENT. OFTEN IT IS AT THE STAGE OF ARREST AND BEFORE ARRESTEE IS TURNED OVER TO AUTHORITIES THAT DEPORTATION OR EXPULSION IS USED. IT CAN BE POINTED OUT TO THEM THAT PROSECUTION OF INDIVIDUALS NOT ACTUALLY ENGAGED IN THE DRUG TRADE TENDS TO GLUT THE INVESTIGATIVE AND JUDICIAL SYSTEMS TO THE DETRIMENT OF THE REAL GOALS OF THE PROGRAM, AND ALSO LOWERS PUBLIC SUPPORT FOR THE PROGRAM.

4. AS IN THE PAST, THIS PRINCIPLE APPLIES TO NON-DRUG OFFENSES, AND CONSULAR OFFICERS SHOULD REMAIN ALERT TO THE POSSIBILITY OF DEPORTATION OR EXPULSION IN LIEU OF MORE
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SEVERE ACTION IN THE CASES OF PETTY OFFENDERS IN ALL CATEGORIES.

5. THIS MESSAGE HAS THE JOINT CONCURRENCE OF SCA, S/NM, AND DEA. PLEASE KEEP DEPARTMENT ADVISED AS TO WHETHER THESE PROCEDURES ARE BEING FOLLOWED. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE194251
Document Source: CORE
Document Unique ID: 00
Drafter: SCS:FESTEVEN:JFM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770295-1030
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770856/aaaabvlz.tel
Line Count: 100
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: ecc9f759-c288-dd11-92da-001cc4696bcc
Office: ORIGIN SCS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1586009
Secure: OPEN
Status: NATIVE
Subject: ARRESTEE AND PRISONER SERVICES: DEPORTATION OF PETTY NARCOTICS OFFENDERS
TAGS: CARR
To: ALL POSTS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/ecc9f759-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009